# House File 2141 - Introduced

HOUSE FILE 2141 BY MASCHER

## A BILL FOR

- 1 An Act relating to the prescribing of medications to treat the
- 2 symptoms of erectile dysfunction, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 1 Section 1. <u>NEW SECTION</u>. **146B.1 Prerequisites for** 2 prescription to treat erectile dysfunction.
- 3 1. No person, other than a physician, shall issue to
- 4 a patient a prescription for a drug intended to treat the
- 5 symptoms of erectile dysfunction.
- 6 2. Prior to issuing a prescription for a drug intended to
- 7 treat the symptoms of erectile dysfunction, a physician shall
- 8 do all of the following:
- 9 a. Require at least one of the patient's sexual partners to
- 10 be interviewed by the physician and to certify that the patient
- 11 has experienced symptoms of erectile dysfunction in the ninety
- 12 days preceding the date of the interview.
- 13 b. Refer the patient to a person licensed to practice mental
- 14 health counseling pursuant to chapter 154D for an assessment
- 15 of the possible causes of the patient's symptoms of erectile
- 16 dysfunction and require the patient to provide a written report
- 17 in which the counselor concludes that the patient's symptoms
- 18 are not solely attributable to one or more psychological
- 19 conditions.
- 20 c. Conduct a cardiac stress test and obtain a result,
- 21 described in writing, indicating that the patient's cardiac
- 22 health is compatible with sexual activity.
- 23 d. Notify the patient, in writing, of the potential risks
- 24 and complications associated with taking drugs intended
- 25 to treat erectile dysfunction and obtain the patient's
- 26 signature on a form acknowledging the patient's receipt of the
- 27 notification.
- 28 e. Declare, in writing, under penalty of perjury, that the
- 29 drug the physician is prescribing is necessary to treat the
- 30 patient's symptoms of erectile dysfunction and attach to the
- 31 declaration a statement that clearly describes the physician's
- 32 medical rationale for issuing the prescription.
- 33 f. Place all documents described in this subsection 2 in the
- 34 patient's medical record and retain the documents as part of
- 35 that record for at least seven years.

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- 3. To ensure the continued health of a patient to whom
- 2 a prescription for a drug intended to treat the symptoms of
- 3 erectile dysfunction has been issued, a physician shall do both
- 4 of the following as part of the physician's course of treatment
- 5 for the patient, including treatment rendered by issuing to the
- 6 patient a prescription authorizing one or more refills for the
- 7 drug originally prescribed or a prescription for another drug
- 8 intended to treat the symptoms of erectile dysfunction:
- 9 a. Require the patient to undergo a cardiac stress test
- 10 every ninety days while the patient is taking the drug to
- ll ensure that the patient's cardiac health continues to be
- 12 compatible with sexual activity.
- 13 b. Require the patient to attend three sessions of
- 14 outpatient counseling within the period of six months after
- 15 the drug is initially prescribed for purposes of ensuring the
- 16 patient's understanding of the dangerous side effects of drugs
- 17 intended to treat the symptoms of erectile dysfunction. The
- 18 physician shall ensure these sessions include information
- 19 on nonpharmaceutical treatments for erectile dysfunction,
- 20 including sexual counseling and resources for patients to
- 21 pursue celibacy as a viable lifestyle choice.
- 22 4. As used in this section, "physician" means a person
- 23 licensed under chapter 148.
- 24 Sec. 2. Section 148.6, subsection 2, Code 2016, is amended
- 25 by adding the following new paragraph:
- 26 NEW PARAGRAPH. j. Failure to comply with the requirements
- 27 specified in section 146B.l regarding prescribing of drugs
- 28 intended to treat the symptoms of erectile dysfunction and the
- 29 courses of treatment for patients receiving prescriptions for
- 30 those drugs.
- 31 EXPLANATION
- 32 The inclusion of this explanation does not constitute agreement with
- 33 the explanation's substance by the members of the general assembly.
- 34 This bill provides prerequisites for a prescription to treat
- 35 erectile dysfunction. The bill provides that no person, other

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1 than a physician, shall issue to a patient a prescription for
 2 a drug intended to treat symptoms of erectile dysfunction.
 3 The bill specifies that prior to issuing a prescription for a
 4 drug intended to treat the symptoms of erectile dysfunction,
 5 a physician shall do all of the following: (1) require that
 6 at least one of the patient's sexual partners be interviewed
 7 by the physician and certify that the patient has experienced
 8 symptoms of erectile dysfunction in the 90 days preceding
 9 the date of the interview; (2) refer the patient to a person
10 licensed to practice mental health counseling for an assessment
11 of the possible causes of the patient's symptoms of erectile
12 dysfunction and require the patient to provide a written report
13 in which the counselor concludes that the patient's symptoms
14 are not solely attributable to one or more psychological
15 conditions; (3) conduct a cardiac stress test and obtain a
16 result, described in writing, indicating that the patient's
17 cardiac health is compatible with sexual activity; (4)
18 notify the patient, in writing, of the potential risks and
19 complications associated with taking drugs intended to treat
20 erectile dysfunction and obtain the patient's signature on a
21 form acknowledging the patient's receipt of the notification;
22 (5) declare, in writing, under penalty of perjury, that the
23 drug the physician is prescribing is necessary to treat the
24 patient's symptoms of erectile dysfunction and attach to the
25 declaration a statement that clearly describes the physician's
26 medical rationale for issuing the prescription; and (6) place
27 all such documents in the patient's medical record and retain
28 the documents as part of that record for at least seven years.
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      Additionally, in order to ensure the continued health
30 of a patient to whom a prescription for a drug intended to
31 treat the symptoms of erectile dysfunction has been issued, a
32 physician is required, as a part of the course of treatment for
33 the patient, including treatment rendered by issuing to the
34 patient a prescription authorizing one or more refills for the
35 drug originally prescribed or a prescription for another drug
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1 intended to treat the symptoms of erectile dysfunction, to both 2 require the patient to undergo a cardiac stress test every 90 3 days while the patient is taking the drug to ensure that the 4 patient's cardiac health continues to be compatible with sexual 5 activity, and require the patient to attend three sessions of 6 outpatient counseling within the period of six months after 7 the drug is initially prescribed for purposes of ensuring 8 the patient's understanding of the dangerous side effects of 9 drugs intended to treat the symptoms of erectile dysfunction. 10 The physician is required to ensure these sessions include 11 information on nonpharmaceutical treatments for erectile 12 dysfunction, including sexual counseling and resources for 13 patients to pursue celibacy as a viable lifestyle choice. 14 The bill also provides that failure of a physician to comply 15 with the requirements specified regarding prescribing of drugs 16 intended to treat the symptoms of erectile dysfunction and the 17 courses of treatment for patients receiving prescriptions for 18 those drugs, is grounds for licensee discipline.